

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

MERIAL LIMITED and MERIAL S.A.S

Plaintiffs and Counterclaim-Defendants,

v.

VELCERA, INC. and FIDOPHARM, INC.

Defendants and Counterclaim-Plaintiffs.

Case No. 3:11-cv-00157-CDL

**MERIAL’S CONSENT MOTION TO EXTEND DEADLINES
TO SUBMIT EXPERT REPORTS**

Pursuant to Federal Rule of Civil Procedure 16, Plaintiffs Merial Limited and Merial S.A.S. (collectively, “Merial”) move this Court, with the consent of Defendants Velcera, Inc. and FidoPharm, Inc. (collectively, “Velcera”) to amend the scheduling order in this case to allow for additional time to submit expert reports.

In a March 13, 2012 Order, the Court amended the Scheduling/Discovery Order (Dkt. 30) in this case, setting a deadline of April 12, 2012 for burden of proof expert reports, a deadline of May 14, 2012 for non-burden of proof expert reports, and June 15, 2012 for rebuttal expert reports. On March 27, Velcera informed Merial that Velcera, due to both attorney and client scheduling conflicts, would not be able to produce a witness to testify on the financial issues in the case until, at the earliest, April 17, 2012, a date after the deadline for Merial’s burden of proof expert reports. The parties have since confirmed that the deposition will take place on that date.

Given that Merial's damages experts require testimony from Velcera in order to formulate their opinions and draft their report in this case, Merial has good cause for its request for a short extension of the deadline to serve burden of proof expert reports.¹ Fed. R. Civ. P. 16(b)(4). Velcera has consented to this extension provided a brief extension is similarly granted for it to serve its non-burden of proof expert reports.

Merial, with the express consent of Velcera, therefore requests that (1) the deadline for burden of proof expert reports be extended until **April 27, 2012** and (2) the deadline for non-burden of proof expert reports be extended until **May 21, 2012**.²

CONCLUSION

In conclusion, Merial requests that the Court grant its Consent Motion and amend the Scheduling/Discovery Order as set forth above.

¹ Velcera's counsel has informed Merial that it will not be serving any burden of proof expert reports.

² The parties agree that the current June 15, 2012 deadline for rebuttal expert reports, and the discovery close date of July 17, 2012, do not need to be changed.

Respectfully submitted, this 29th day of March, 2012.

/s/ Kathryn W. Bina

Judy Jarecki-Black, Ph.D., Esq.
(judy.jarecki@merial.com)
Georgia Bar No. 801698
MERIAL LIMITED
3239 Satellite Blvd.
Duluth, Georgia 30096-4640
Tel.: (678) 638-3805
Fax: (678) 638-3350

J. Patrick Elsevier, Ph. D., Esq.
(jpelsevier@jonesday.com)
Georgia Bar No. 246694
JONES DAY
12265 El Camino Real
Suite 200
San Diego, California 92130-4096
Tel.: (858) 314-1200
Fax.: (858) 314-1150

Edward D. Tolley, Esq.
(etolley@mindspring.com)
Georgia Bar No. 714300
COOK NOELL TOLLEY & BATES LLP
304 East Washington Street
P.O. Box 1927
Athens, GA 30603-1927
Tel.: (706) 549-6111
Fax: (706) 548-0956

Frank G. Smith, III, Esq.
(frank.smith@alston.com)
Georgia Bar No. 657550
Jason D. Rosenberg, Esq.
(Jason.rosenberg@alston.com)
Georgia Bar No. 510855
Kathryn W. Bina, Esq.
(kitty.bina@alston.com)
Georgia Bar No. 956052
Matthew W. Howell, Esq.
(matthew.howell@alston.com)
ALSTON & BIRD LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
Tel.: (404) 881-7000
Fax: (404) 881-7777

Counsel for Plaintiffs Merial Limited and Merial SAS

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CERTIFICATE OF SERVICE

I hereby certify that I have this date filed the foregoing CONSENT MOTION TO
EXTEND DEADLINES TO SUBMIT EXPERT REPORTS, via the Court's CM/ECF system,
which will automatically give notice to all counsel of record.

This 29th day of March, 2012.

/s/ Kathryn W. Bina

Kathryn W. Bina